



for a toxics-free future

November 2022

IPEN INC-1 QUICK VIEWS: A PLASTIC TREATY TO END PLASTIC POLLUTION

The International Pollutants Elimination Network (IPEN) is a network of over 600 public interest non-governmental organisations (NGOs) in over 120 largely low- and middle-income countries, working to strengthen global and national chemicals and waste policies. Founded in 1998 to contribute to the negotiations of the Stockholm Convention, IPEN has contributed over nearly 25 years to all of the major international instruments on chemicals and waste, and with the start of the new negotiations for a Plastics Treaty we look forward to working toward an ambitious agreement.

Background

In “Resolution 5/14” of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly (UNEA) requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an Intergovernmental Negotiating Committee (INC) with the ambition of completing negotiations by the end of 2024. The first session of the INC will be held from 28 November to 2 December 2022 in Punta del Este, Uruguay.

IPEN believes the Plastics Treaty is a vital step to make significant progress on the protection of human health, the health of other living beings, and the environment from the toxic impacts of plastics throughout their full lifecycle.¹ IPEN further believes that the Treaty should focus on plastic pollution throughout the full lifecycle of plastics and address both the visible and the invisible impacts of plastic materials.² In order to do so, the Treaty should build on three basic principles:

1) **Plastics are a mixture of carbon and chemicals:** Plastics are made from fossil fuels (oil and gas) with mixtures of chemicals. Plastics consist of polymers



combined with other chemicals added for specific properties. More than 10,000 different chemicals are used in plastics, among which about one-quarter are recognized as chemicals of concern (while hundreds have incomplete or no hazard data).

2) **The treaty should address the harmful health effects from chemicals in plastics:** People are exposed to harmful chemicals from plastics during their production, transport, use, and disposal – but since plastics are not labeled, consumers can’t know what chemicals are in them, preventing them from their right to know and jeopardizing the safe management of these plastics when they become waste.³

3) **Recognizing that toxic chemicals make plastics incompatible with a circular economy:** Using and recycling plastics can lead to uncontrolled releases of toxic chemicals and exposure for workers involved in recycling, especially in countries where most plastic is recycled by the informal sector. While very few plastics are ever recycled, these recycled plastics pass hazardous chemicals to new consumer products, exposing more people to harmful chemicals.

Quick Views

The following section includes IPEN's considerations for INC-1 delegates on several significant items on the **INC-1 Agenda**:

Item 3(a). Organizational matters: Adoption of the rules of procedure

In adopting the [draft rules of procedure](#) prepared by the Open-Ended Working Group (OEWG) in Dakar in May 2022, it is important to reaffirm that the INC process should guarantee the broadest possible participation of all involved stakeholders, as stipulated in the Resolution 5/14 mandate. Being a country-led process to create an instrument to end plastic pollution, the practice of organizing groups under the UNEA Major Groups system should be abandoned, as it is less inclusive and truncates participation of many stakeholders.

Item 3(c). Organizational matters: Organization of work⁴

If the committee decides to establish contact groups during the INC, IPEN believes that to ensure that the issues identified in this brief are adequately addressed, the work should be organized in the following way:

- A dedicated cluster could consider scope, definitions, and objectives of the future instrument.
- Separate clusters could be created for different phases of the plastics lifecycle, considering the interaction with other instruments such as the Basel Convention.

Item 4. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.

Under this agenda item the INC will consider the issues covered under paragraphs 3 and 4 of the resolution. The annotated provisional agenda ([UNEP/PP/INC.1/1/Add.1](#)) foresees that the discussion will include the following:

Considering the broad options for the structure of the instrument (UNEP/PP/INC.1/4)

The INC secretariat document [UNEP/PP/INC.1/4](#) provides for two options:

- A **specific treaty** which includes control measures in the body of the instrument and can be supplemented in the annexes; or
- A **framework treaty**, where specific substantive obligations that implement the general objectives would be included in one or more protocols.

IPEN believes that a framework treaty would severely delay any action on plastics. The urgency of the plastic pollution crisis and the options already provided by the UNEA5.2 Resolution to address plastics' harms throughout the full lifecycle clearly favors the option of having a specific treaty with controls provided in the body of the text and annexes that could be easily amended and adjusted in line with the development of technical and scientific knowledge. However, the treaty may foresee the possibility to adopt additional protocols, for example to regulate particular uses or sectors.

Scope, objectives, and options for potential elements that might be included in the instrument ⁵ (UNEP/PP/INC.1/5)

Objective: IPEN believes that the objective of the treaty should include the protection of human health and the environment from the harmful impacts of plastics, including those from toxic chemicals at each step of the plastics' lifecycle. Document [UNEP/PP/INC.1/7](#) provides a working definition of plastic pollution as "the negative effects and emissions resulting from the sourcing, production and consumption of plastic materials and products across their entire life cycle."

Scope: IPEN's view is that the scope should encompass, at a minimum, the production, design, use, and sound disposal of all plastic materials. It should work upstream to eliminate harmful chemicals and polymers used in the extraction and production of plastic and also eliminate unnecessary plastics.

Definition of plastics: IPEN believes that it is important to define plastics as materials that are made of a combination of polymers and chemicals that are added to provide their properties and functions. The "Glossary of key terms" ([UNEP/PP/INC.1/6](#)) prepared for the INC includes a definition of plastics taken from the MARPOL Convention, which addresses pollution of the marine environment by ships from operational or accidental causes. This definition is not fit for the purpose of an instrument that aims at addressing plastic pollution throughout the lifecycle.

Guiding principles: The Treaty should be informed by the precautionary principle and the polluter-pays principle. The Treaty should aim at implementing human rights such as the right to information on the hazards of plastics and the right to participation in decision-making on plastics policy. This will be vital for contributing to the realisation of including the right to a clean, healthy, and sustainable environment as enshrined in UNGA resolution [A/RES/76/300](#).

Preventive control measures: IPEN believes that preventative control measures should apply throughout the entire lifecycle of plastics with a goal of minimizing the adverse impacts of plastics on human health and on the environment. An upcoming paper [UNEP/PP/INC.1/INF/6](#) from the Basel, Rotterdam and Stockholm Secretariat on Global Governance describes the need for sustainability criteria for plastics and their associated chemicals. IPEN believes that developing such criteria will be a critical step toward:

- Eliminating chemicals of concern throughout the lifecycle of plastics
- Eliminating polymers of concern
- Setting transparency requirements allowing also for the traceability of chemicals throughout the full lifecycle of plastic materials and products⁶
- Establishing measures to address the plastic pollution legacy

Appendix I

Quick Answers to Scenario Note Questions (UNEP/PP/INC.1/2)

The scenario note ([UNEP/PP/INC.1/2](#)) foresees that the following questions may facilitate the discussion at the INC-1.

Considerations for the legally binding instrument:

UNEP/PP/INC.1/2 para 26 (a): Which problem or problems will the instrument aim to address? How will the aim be reflected in the instrument?

IPEN believes that the Treaty should address the health and environmental impacts of all types of plastics from sourcing to the waste stage. The Treaty should cover all types of plastics to include thermoplastics, thermoset plastics, thermoelastomers and bio-based polymers, with their associated chemicals used or generated throughout their lifecycle.

In order to end plastic pollution, all forms of plastic pollution should be covered by the Treaty, including from micro- and nano-plastics.

UNEP/PP/INC.1/2 para 26 (b) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing the problem or problems?

IPEN believes that to remove and prevent the harmful health impacts of plastics throughout their full lifecycle, the Plastics Treaty must:

- Identify and phase out the use of groups or classes of hazardous chemicals. Priorities include additives, monomers, and polymers. The Treaty could identify and target priority groups or classes of chemicals, including but not limited to bisphenols, brominated and chlorinated flame retardants, chlorinated paraffins, phthalates, benzotriazole UV stabilizers, and PFAS.
- Phase out commodity plastics that are toxic, rarely recycled, and hazardous when disposed of, including but not limited to polyvinyl chloride (PVC), polyurethanes, polystyrene, and fluorinated polymers.
- Ensure an end to the toxic recycling of existing plastics that contain hazardous chemicals to ensure a just transition to a non-toxic circular economy.
- Identify, segregate, and safely dispose of non-circular plastics (those containing toxic additives).
- Ensure harmonized requirements for transparency of information on chemicals used in plastics production and as plastic ingredients in materials and products throughout the entire plastic lifecycle, including for recyclers and the public.

UNEP/PP/INC.1/2 para 26(c) How can the instrument create an incentive-based approach and enabling environment such that it is in everyone's interest to implement their obligations?

IPEN believes that the Treaty should drive the transition to a system where the production of plastic and its precursors and plastic consumption are minimized, and non-essential uses of plastics are eliminated to foster innovation toward safer materials for a non-toxic circular economy.

This transition needs to be just and inclusive to workers across the plastics supply chain and lifecycle, in

order to provide opportunities for decent work in conditions of equity, security, and human dignity. Technology and knowledge for a non-toxic circular economy should be easily accessible to developing countries without patent limits to avoid turning the technical solution to plastic pollution into nothing more than an economic opportunity for developed countries.

Considerations on structuring the process to reach agreement:

UNEP/PP/INC.1/2 para 27. (a) On what issues can early agreement be envisaged?

In order to address plastic pollution, it will be necessary to have a clear understanding of the scale of the problem. Reporting on types and amounts of plastics produced, imported, and exported (including the strengthening of the use of international trading HS codes for all transboundary movements of plastics and their associated chemicals), as well as plastic waste generation, collection, and end-of-life management should be a first step on which an agreement could be achieved.

UNEP/PP/INC.1/2 para 27. (b) What areas require further work to be undertaken by the secretariat or by the Chair of the committee? By when?

IPEN believes there should be coherence with existing treaties that include provisions dealing with plastics, chemicals, pollution, and waste to avoid duplication of efforts. Cooperation and coherence with such other treaties could help achieve the objective of those instruments and focus the efforts of the Plastics Treaty on upstream measures to end plastic pollution.

UNEP/PP/INC.1/2 para 27. (c) How can the inter-governmental negotiating committee ensure that the interests of all stakeholders are considered and contribute to the process of elaborating the instrument?

The INC should ensure open, transparent, and inclusive participation for civil society, and provide resources to ensure broad, gender and regionally balanced public participation, particularly from low- and middle-income countries, allowing public interest organizations to work together with governments to ensure a cooperative multi-stakeholder approach in the implementation and further development of the Treaty.

Higher accountability for all stakeholders in the process will be achieved by addressing all phases of the lifecycle of plastics and by considering the following four policy narratives:

- Dependency on fossil fuels
- Inefficiency of resources
- Pollution
- Toxicity

For more information about IPEN's Views on a Plastics Treaty and scientific data generated by IPEN members across the globe highlighting how plastics poison our health and the environment, see [our website](#). Also see our [2-minute animation](#) summarizing the need for global controls on plastics.

REFERENCES

¹ IPEN's views on Global Controls on Plastic is that the overarching goal of plastic related policies should be to "Eliminate the toxic impact of plastics throughout their life cycle – production, use, and disposal." The position paper is available at: <https://ipen.org/documents/global-controls-plastic>

² The briefing "How the Plastic Pollution Resolution relates to chemicals and health" explains why Resolution 4/15 provides a strong basis for addressing the health impacts of plastics and their hazardous chemicals ingredients. The briefing is available at: <https://ipen.org/documents/how-plastic-pollution-resolution-relates-to-chemicals-and-health>

³ See CIEL et al, Plastic & Health: The Hidden Costs of a Plastic Planet (February 2019). Available at: <https://www.ciel.org/reports/plastic-health-the-hidden-costs-of-a-plastic-planet-february-2019/>

⁴ See also, CIEL, Greenpeace, EIA, "Intergovernmental Negotiating Committee (INC) Submissions: Quick View of Submissions on Clustering and Sequencing of Work" available at: <https://www.ciel.org/wp-content/uploads/2022/11/Quick-View-of-INC-Submissions.pdf>

⁵ IPEN Plastics Treaty Platform details 17 actions that the Plastics Treaty needs to do to protect human health and the environment from toxic chemicals in the lifecycle of plastic materials. The platform is available at: <https://ipen.org/documents/ipen-plastics-treaty-platform>

⁶ See also HEJ Support, SSNC, GroundWork, "Global Plastics Treaty – transparency requirement for chemical constituents in plastic is a must". Available at: <https://www.globalchemicaltransparency.org/wp-content/uploads/2022/11/Submission-Chemical-Transparency.pdf>



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